

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

ALB
2014R00464

★ APR 03 2014 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

- - - - -X

UNITED STATES OF AMERICA

COMPLAINT

- against -

M. No. _____
(18 U.S.C. § 2252(a)(4)(B))

SEANMICHAEL PAGANO,

Defendant.

MJ-14-0308

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS.:

THOMAS THOMPSON, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about May 20, 2013, within the Eastern District of New York, the defendant SEANMICHAEL PAGANO did knowingly and intentionally access with intent to view, one or more visual depictions, to wit: images in computer files, which visual depictions had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed, and so shipped and transported, by any means including by computer, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct, and such visual depictions were of such

conduct.

(Title 18, United States Code, Sections 2252(a)(4)(B))

The source of my information and the grounds for my belief are as follows:¹

1. I have been a Special Agent of the FBI since December 2004, and am currently assigned to the New York Office. Since September 2007, I have been assigned to a Crimes Against Children squad. I have been assigned to investigate violations of criminal law relating to the sexual exploitation of children. I have gained expertise in this area through training in classes and daily work related to conducting these types of investigations. As part of my responsibilities, I have been involved in the investigation of numerous child pornography cases and have reviewed thousands of photographs depicting children (less than eighteen years of age) being sexually exploited by adults. Through my experience in these investigations, I have become familiar with methods of determining whether a child is a minor. I am also a member of the Eastern District of New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel.

¹ Because the purpose of this complaint is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

A. THE INVESTIGATION

3. On or about March 27, 2013, FBI Anchorage executed a search warrant at a residence in Anchorage, Alaska associated with AnchorageJohnDoe@hotmail.com² related to possession and distribution of child pornography. Numerous items of evidence were seized from this residence including four computers and eleven additional hard drives.

4. At the time of the search and in the days following the search, the FBI conducted a preview of some of the hard drives using preview software that does not alter the condition of the hard drive. During this preview, the FBI observed the email address AnchorageJohnDoe2@hotmail.com.³

5. On April 3, 2013, with the assistance of defense counsel, the user (hereafter referred to as "CW1") of the AnchorageJohnDoe@hotmail account and AnchorageJohnDoe2@hotmail.com accounts entered into a cooperation agreement with the United States.

2 For purposes of the confidentiality and integrity of the investigations involved in this matter, specific names and other identifying factors have been replaced with generic terms such as "John Doe."

3 Again, for purposes of the confidentiality and integrity of the investigations involved in this matter, specific names and other identifying factors have been replaced with generic terms.

CW1 remains in custody after being charged with sexual exploitation of children crimes.

6. CW1 advised, in sum and substance, that he used the email account AnchorageJohnDoe2@hotmail.com to communicate with individuals to exchange child pornography. On April 3, 2013, CW1 provided the FBI with the password to the email account and authorized agents to access and take over his account. CW1 advised agents of a website that he frequented to receive and distribute child pornography (hereinafter the "website").⁴ He advised that he accessed this website through links he received in his AnchorageJohnDoe2@hotmail.com email account.

7. FBI Agents viewed the contents of the AnchorageJohnDoe2@hotmail.com email account with the password provided by CW1. There were numerous email updates related to the website used to receive and distribute child pornography. For example, when other members of the website uploaded a new video to the website, an email notification was sent out to other members. The members also received daily email notifications about activity

⁴ The website is a publicly available secure file sharing website marketed to assist companies in setting up internet based workspaces. The site allows multiple users to log into a secure website where they can collaborate and share files on work projects. Files are stored online and members and non-members who are authorized can access them anywhere, anytime, and on any device. The website also has a mobile application, allowing members to access their secure workspace from their cellphone or tablet. Users of the website have the ability to identify who has access to their workspace, as described herein.

occurring in their workspace, including the number and file names of videos downloaded by other workspace members. This is referred to as the member's "daily account summary." The email updates also contained a link to a workspace within the website containing the child pornography.

8. On April 9, 2013, an FBI Special Agent working in an undercover capacity ("Undercover Agent") accessed the AnchorageJohnDoe2@hotmail.com email account using the password provided by CW1. Utilizing one of the links to the website, the Undercover Agent accessed a particular workspace in the website (hereinafter the "workspace"). The Undercover Agent viewed numerous child pornography videos and downloaded several of those videos for the purposes of the ongoing investigation. The workspace was dedicated to child pornography and sexual interests in children. There were no postings unrelated to child pornography and sexual interests in children.

9. On April 9, 2013, the Undercover Agent observed in the workspace, approximately 26 members of the site who were identified by username and email address. As of August 28, 2013, the Undercover Agent observed that the number of members in the workspace had grown to 49. In addition to those 49 members using the workspace, the Undercover Agent observed several other users who were non-members viewing and downloading child pornography using a shared link. In sum, the Undercover Agent observed members using

website email notifications as a way to access the workspace, and non-members accessing the same workspace by using a shared link provided to them by a member. Whether members or non-members of the workspace, all of the postings being accessed were related to child pornography and sexual interests in children.

10. On June 27, 2013, the Undercover Agent accessed the workspace and observed in the updates section of the workspace that email address pagan553364@gmail.com (hereinafter "PAGAN#1") accessed the workspace, then downloaded and previewed child pornography videos through a shared link. The website does not show on the site which of the members provided the shared link.

11. The Undercover Agent observed the email account PAGAN#1 had downloaded and previewed videos from the workspace on May 20, 2013. There were a total of five videos downloaded and/or previewed on this date. The Undercover Agent downloaded two of the videos. I have reviewed these files and they are described as follows:⁵

- a. **Falko girl mov00003 (8 yo sucks) (2).avi** is a video depicting a prepubescent girl, approximately seven to nine years of age, and the girl is blindfolded for all but a few seconds of the video. An adult male is lying naked on the bed and he has the girl touching his penis and putting his penis in her mouth. The adult male ejaculates onto the hands of the female child; and

⁵ These video files were reviewed by Magistrate Judge Wall in conjunction with the issuance of the search warrant described below.

- b. **Pthc 2010 falko-video 3yo Girl Toddler Daddy's lap-loving, Very Good!!!.avi** is a video depicting a female toddler, approximately two to three years of age, lying on top of an adult male's exposed penis. The toddler's genitals are exposed and the focus of the camera is at the toddler's genitals. The adult male touched the toddler's vaginal area with his penis and fingers. He also masturbated his penis. The adult male also pushed his penis onto and into the toddler's vagina numerous times. He ejaculated on and in the toddler's vaginal area.

12. The email account PAGAN#1 did not appear to be a member of the workspace, but accessed the workspace through a shared link with another member. For this reason, email account PAGAN#1 showed up on the website simply as an email address rather than having a username associated with the account.

13. An administrative subpoena was served on Google for the PAGAN#1 email account. Google provided subscriber/account information and IP logs. The unverified name associated with the account was "John Pagans." The user listed a secondary email account of pagan553064@gmail.com ("PAGAN#2"). The IP logs showed that between April 20, 2013 and May 21, 2013, PAGAN#1 had been logging in to this email account from a Verizon wireless IP address, except on one occasion. On May 8, 2013, PAGAN#1 logged in from the IP address 68.195.69.79, registered to Cablevision.

14. Records obtained from Cablevision by administrative subpoena showed that the IP address 68.195.69.79 on May 8, 2013, was subscribed to "JOHN DOE #2." The address associated with this IP address and JOHN DOE #2 was the residence of defendant SEANMICHAEL

PAGANO in Mount Sinai, New York. Open source database checks indicate that JOHN DOE #2 is related to the wife of defendant PAGANO.

15. An administrative subpoena was served on Google for the PAGAN#2 email account. The user name associated with this account was "SeanMichael Pagano." A secondary email account of coachpaganobc@yahoo.com was also listed.

16. I know through my training and experience that individuals engaged in the distribution and trading of child pornography often maintain email accounts which are solely used for the purpose of trading child pornography. These individuals typically do not use the same email accounts that they use for conducting personal, family, or work business for trading child pornography. Rather they set up email accounts using false personal information to include false names, addresses, and telephone numbers.

17. Pursuant to open source database checks and Internet searches I learned that defendant SEANMICHAEL PAGANO owns and resides at the Mount Sinai residence. Defendant PAGANO was head coach for the men's lacrosse team at Briarcliffe College from 2009-2013, and he is currently an assistant lacrosse coach for a Long Island high school. I believe that the "bc" in the email address coachpaganobc@yahoo.com stands for Briarcliff College. In addition, SEANMICHAEL PAGANO is currently an investigator with the New York State Police ("NYSP").

18. An administrative subpoena was served on Verizon Wireless for four IP addresses accessed by the PAGAN#1 e-mail account. Verizon responded and advised the IP addresses were associated with a NAT or "natting" router.⁶ Here, the IP addresses were associated with numerous telephone numbers and users at the times requested, however, one of the cellphones associated with all four IP addresses was a cellphone subscribed to defendant SEANMICHAEL PAGANO at his residence.

19. On December 10, 2013, a search warrant was issued by a United States Magistrate Judge in the District of Alaska for the PAGAN#1 email account. Google provided the contents of PAGAN#1's account. A summary of relevant emails is described as follows:

a. PAGAN#1 has responded to numerous online adult sex advertisements by sending self pictures and videos, both clothed and nude. The individual in these photos and videos has been identified as SEANMICHAEL PAGANO based upon photographs available to the public on the Internet and identification by a co-worker of PAGANO.

b. Emails indicated that PAGAN#1 has been using an Apple iPhone and a Verizon wireless plan.

c. Between May 20, 2013 and May 25, 2013, PAGAN#1 had 33 email communications with the user "JOHN DOE #3." The communications mostly involve the

⁶ Network Address Translation ("NAT") is the process where a network device assigns a public IP address to a computer (or group of computers) inside a private network. The main use of NAT is to limit the number of public IP addresses an organization or company must use, for both economy and security purposes. NAT is often used for cellphones accessing the Internet through a wireless provider. As such, multiple cellphones or mobile internet devices may be associated with a given IP address at a given time.

discussion of obtaining child pornography. On May 20, 2013, JOHN DOE #3 sent PAGAN#1 two emails with links to the workspace. This is the same date PAGAN#1 downloaded and previewed the child pornography files on the workspace as discussed above. After getting the links, PAGAN#1 responded in email, "You are the most awesome person, ever! Anything I ever get will be sent your way!"

d. PAGAN#1 also emailed JOHN DOE #3 the following comments, "Teen action, mom daughter is always a favorite!", "Any vids from like 11-14?" Based upon my training and experience I believe the reference to "11-14" refers to child pornography depicting children ages 11-14 years' old.

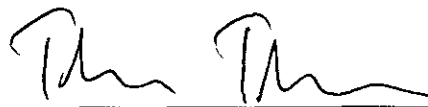
B. The Search Warrant Execution

20. On April 3, 2014, law enforcement personnel executed search warrants (Docket Number 14M0271) issued by the Honorable William D. Wall for the residence of defendant SEANMICHAEL PAGANO in Mount Sinai, New York, as well as the iPhone cellphone described above which is subscribed to defendant PAGANO. Pursuant to the execution of these warrants, defendant PAGANO was interviewed following the waiver of his Miranda rights and he admitted, in sum and substance and in relevant part, that child pornography had been sent to his email account about seven months earlier, that he had met the individual who had sent him the child pornography on Tumblr.com and that he had viewed the child pornography and had not sent it or forwarded it to anyone else. PAGANO claimed that he had deleted the images and was going to report the individual to the NYSP computer crimes unit, but did not do so because he had deleted the

images. PAGANO also indicated that he had two cellphones, including the iPhone identified above, which was located in his work vehicle.

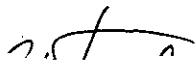
21. I have spoken with a representative of the NYSP Internal Affairs Bureau, who indicated that defendant SEANMICHAEL PAGANO was not authorized to conduct child pornography investigations as part of his employment, and had never reported receiving or accessing child pornography.

WHEREFORE, I respectfully request that the defendant SEANMICHAEL PAGANO be dealt with according to law.



Thomas Thompson
Special Agent - FBI

Sworn to before me this
3rd day of April, 2014



THE HONORABLE A. /s/ KATHLEEN TOMLINSON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK